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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,690	11/16/2000	Anne E. Miller	42390P8842	4781

8791 7590 05/29/2003

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EXAMINER

UMEZ ERONENI, LYNETTE T

ART UNIT	PAPER NUMBER
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1765

12

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/715,690

Applicant(s)

MILLER, ANNE E.

Examiner

Lynette T. Umez-Eronini

Art Unit

1765

--Th MAILING DATE of this communication appears on the cover sheet with the corresponding address --

THE REPLY FILED 19 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-16.

Claim(s) withdrawn from consideration: none.

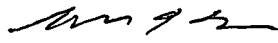
8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant traverses the 103 rejection of claims 1, 4, 6-11 as being unpatentable over Kaufman et al. (US 5,954,997) in view of Feller et al. (US 5,700,383) and further in view of Grumbine et al. (US 6,083,419) and of claims 5, 12, and 15 over the combination of Kaufman, Feller, and Grumbine as applied to claim 1, 4, 6-11 and 16 above and further in view of various combinations of Neville et al. (US 5,527,706), Kato et al. (US 5,904, 159) and Tsai et al. (US 5,575,706). Applicant argues that it would not be obvious to formulate a slurry containing a surfactant containing an alkyltrimethylammonium cation, a chelating buffer system; an abrasive; an oxidizer, and a corrosion inhibitor; wherein the slurry has a pH between 2.5 and 7.0 as in independent claims 1 and 11 in light of the cited references, and in particular light of Kaufman because of the interaction between the alkyltrimethyl ammonium cations and the abrasive within the pH range of 2.5 and 7.0 destabilizes the Applicant's slurry while Kaufman teaches that "in order to promote stabilization of a CMP slurry of this invention against settling, flocculation, and decomposition, a variety of optional CMP slurry additives, such as surfactants ... can be used" (column 6, lines 34-38)

Applicant's argument is unpersuasive because it has been acknowledged that Kaufman in view of Feller differs in failing to teach a surfactant containing an alkyltrimethylammonium cation and that Grumbine cures the deficiency of Kaufman and Feller by teaching a cmp slurry comprising corrosion inhibitors that produce alkyl ammonium ions in aqueous solutions upon dissolution, that include cetyltrimethylammonium hydroxide, tricaprilmethylammonium chloride, and tetramethylammonium hydroxide and mixture thereof, and that range from 0.001 to about 2.0 weight percent (column 4, lines 6-10 and column 5, lines 16-26 and 27-30). Hence, the combination of these inhibitors in an aqueous medium produces the same compounds as applicant's corrosion inhibitors and surfactants, as claimed in the present invention.

Applicant further argues the advantages of the slurry formulation are unexpected and unsuggested by the references. Applicant's argument is unpersuasive for failure to provide evidence that the Applicant's slurry shows advantages that are unexpected and unsuggested by the references.


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